

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
v.) **Case No. 04-03060-01-CR-S-RED**
)
)
LARRY A. BLUNK,)
)
)
Defendant.)

ORDER

Pending before the Court is Defendant's First Motion in Limine (Docs. 66), Suggestions in Support of Defendant's First Motion in Limine (Doc. 79), Government's Response to Defendant's First Motion in Limine, With Request for Evidentiary Hearing (Doc. 67), and Government's Response to Defendant's First Motion in Limine (Doc. 80).

Defendant seeks to exclude from evidence at trial methamphetamine seized incident to a search of Defendant's business. Defendant argues that the chain of custody for this evidence was tainted because it was tested by Matthew Barb, a Missouri State Highway Patrol criminalist who has admitted to tampering with drug samples.

On January 13, 2006, United States Magistrate Judge James C. England issued his Report and Recommendations (Doc. 81), recommending that Defendant's motion be denied. Defendant has filed no objection or exception to the Report and Recommendation, and the time for such filing has expired.

Upon careful and independent review of the pending motion, the suggestions filed by the parties in regard to said Motion, and a review of the applicable law, the Court hereby adopts and

incorporates as its own opinion and order, the Report and Recommendation of United States Magistrate Judge James C. England.

Accordingly, it is hereby ordered that Defendant's First Motion in Limine (Doc. 66) is overruled and denied.

IT IS SO ORDERED.

DATE: March 27, 2006

/s/ Richard E. Dorr
RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT